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May 27, 2014

VIA FACSIMILE

The Honorable Paul S. Diamond
United States District Judge
United States District Courthouse
601 Market Street
Philadelphia, Pennsylvania 19106

Re: Marino v. Raymond, et al.
11-cv-6811 (PSD)

Dear Judge Diamond:

We write on behalf of our clients and IN2N Entertainment Group, LLC (collectively, "Defendants") to respectfully request that your Honor extend from Wednesday, June 4, 2014, to Friday, July 11, 2014 the time for Defendants to submit their motions for recovery of full costs, including reasonable attorney's fees, under 17 U.S.C. § 505 as the "prevailing party" in the above-referenced action.¹ During the middle of the night, Plaintiff's counsel filed a Motion for Clarification questioning whether Defendants' anticipated motions for § 505 costs will be ripe. (Doc. No. 156.) The Court has denied Plaintiff's motion. (Doc. No. 157.)

Defendants are not seeking to adjourn the June 4, 2014 deadline for the submission of their petition for "increased attorney's fees, costs and expenses arising from the second day of William Guice's deposition," which is part of the relief granted to Defendants against Francis Malofiy, Esq. based on their sanctions motion. (Doc. No. 153.)

Fed. R. Civ. P. 54(d)(2)(A) and (B) provide that claims for attorney's fees and related nontaxable expenses must be made by motion within 14 days after entry of judgment, or such other time as ordered by the Court. Because the Court's May 21, 2014 Order (Doc. No. 155) granting Defendants' motions for summary judgment also entered judgment in their favor, Defendants understand the rules to require them to file

¹ We represent Usher Raymond IV a/k/a Usher, Sony Music Entertainment, EMI April Music Inc., EMI Blackwood Music Inc., Warner-Tamerlane Publishing Corp., UR-IV Music, Inc., Bystorm Entertainment, Mark Pitts, Issiah Avila, Bobby Ross Avila, Sublime Basement Tunes, Defenders of Music, Flyte Tyme Tunes, James Samuel Harris III, and Terry Steven Lewis.

The Honorable Paul S. Diamond
May 27, 2014
Page 2

their motions, if any, by June 4, which is the same day that Defendants must submit their petition for attorneys' fees, costs and expenses under the sanctions order. (Doc. No. 153.)

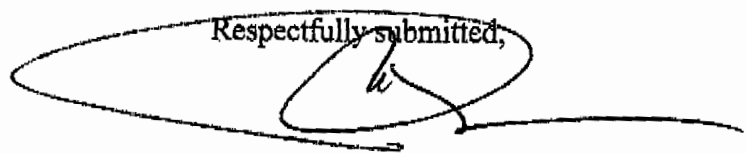
The requested extension will provide the parties with an opportunity to attempt to resolve amicably with Plaintiff the issue of Defendants' costs under the Copyright Act. In addition, the extension will allow Defendants to determine whether or not Plaintiff files a notice of appeal concerning your Honor's order granting summary judgment.

Moreover, the requested extension will provide Defendants the time needed to gather and present the material to support their motions. On Thursday, the undersigned counsel will be relocating after having spent almost 14 years in its current location. Although counsel has tried to prepare for the move to minimize disruption with ongoing work and court deadlines, the full scope of the move is now apparent and further necessitates the requested extension. Since Plaintiff filed his Amended Complaint, this has been a particularly active matter. Over the course of this case, Defendants have filed six motions and have taken or defended over 20 depositions.

We respectfully request that the Court, in its discretion, extend the time that Defendants may file their motions under § 505 of the Copyright Act through and including July 11.

We thank the Court for its consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Jonathan D. Davis", written over a large, loopy oval shape.

Jonathan D. Davis

JDD:hs

cc: Francis A. Malofiy, Esq.
Samuel C. Stretton, Esq.
Michael Eidel, Esq.
Mark S. Lee, Esq.
Lance Rogers, Esq.
Bruce L. Castor, Jr., Esq.
Mr. Thomas van Dell (*Pro Se*)
Matthew S. Olesh, Esq.

(All Via Email/PDF, concurrently with transmission of this letter to the Court)